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January 26, 2001

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David Waddell  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243

Re: Petition for Interconnection Arbitration By DIECA Communications, Inc. d/b/a  
Covad Communications Company Against BellSouth Telecommunications, Inc.  
Docket No. 00-01130

Dear David:

Please accept for filing the attached replacement page and thirteen copies for substitution of page 6 of the Petition for Interconnection Arbitration filed on behalf of COVAD Communications Co. The filing made on December 21, 2000, contained a typographical error. On November 6, 2000, BellSouth requested that COVAD extend the window for requesting arbitration until December 22, 2000, not until December 15, 2000 as reflected in the December 21, 2000, filing. The replacement page contains the accurate date. Thank you for your attention to this matter.

Very truly yours,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By: *Henry Walker*  
*by WTM w/permission*  
Henry Walker

HW/nl  
Attachment

Agreement between the two companies. A copy of that request (which Covad understands was received by BellSouth on June 2, 2000) is attached as Exhibit A of this Petition. Covad's request for interconnection set forth an ambitious timetable of twice-weekly regional negotiations between Covad and BellSouth representatives. Once Covad received BellSouth's comprehensive proposal on June 23, 2000 (Exhibit B), Covad and BellSouth largely stuck to the negotiation schedule. Covad responded to BellSouth's proposals by redlining the contract, the first copy of which is attached as Exhibit C of this Petition. Although many issues were resolved during these discussions, the most significant and important issues have not been resolved.

8. In particular, BellSouth continues to refuse to discuss implementation of process improvements that would speed its delivery of DSL loops to Covad. BellSouth flatly refuses to offer performance enhancements and has rejected all of Covad offer to expedite the loop delivery process. Covad takes sharp exception to BellSouth's efforts to utilize this re-negotiation opportunity as a forum to roll-back Covad's substantive rights, including Covad's right to seek damages and penalties for BellSouth's failure to meet its legal obligations to Covad. In addition, many of BellSouth's proposals simply do not conform to FCC unbundling and collocation requirements. By early November, it became clear that BellSouth was failing to reach closure on key operational and legal issues.

**D. Jurisdiction of the TRA**

9. As discussed above, Covad commenced negotiations on June 2, 2000. Under the 1996 Act, parties to negotiation for interconnection, access to unbundled network elements, or resale of services within a particular state have a right to petition the respective State Commission for arbitration of any open issues whenever negotiations between them fail to yield an agreement. 47 U.S.C. § 252(b). Pursuant to section 252, either party may seek such arbitration during the period between the 135<sup>th</sup> day and the 160<sup>th</sup> day. On November 6, 2000, BellSouth requested that Covad extend the window for requesting arbitration until December 22, 2000, and Covad confirmed this agreement in a letter dated November 6, 2000 (Exhibit D).

10. By submitting this arbitration petition on the following open issues, the TRA is

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded via U.S. Mail, postage prepaid, to the following on this the 26<sup>th</sup> day of January, 2001.

Guy Hicks, Esq.  
BellSouth Telecommunications, Inc.  
333 Commerce St., Suite 2101  
Nashville, TN 37201-3300

*Henry Walker*  
*by W.H.M. w/permission*  
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Henry Walker